IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGMENT NO.726 OF 2004
IN
SUMMARY SUIT NO.2800 OF 2003

Mulchand K. Sanghoi ..Plaintiff.
Vs.
M/s.Deluxe Enamel Industries
& Ors. ..Defendants.

Mr.S.Vaishnawa for the Plaintiff.
Mr.S.L. Kapse for Defendant No.2.

CORAM: S.J.VAZIFDAR, J.
DATED: 24TH AUGUST, 2005

P.C. :

Defendant Nos.2 and 3 are the partners of Defendant No.1. The suit is filed on the basis of two writings dated 31.8.1998 and 24.8.1999. By the said writings, Defendant No.1 admitted and acknowledged having received the amounts mentioned therein, repayable with interest at 18% per annum.

2. An ex-parte decree has already been passed against Defendant Nos.1 and 3. The only defence is that the suit is barred by limitation. The defence is without substance. A part-payment was made on 9.10.2000 which is within limitation.

3. In the circumstances, there is no defence to the suit. The Summons for Judgement is therefore made absolute with costs.

Refund as per rules.